



Preserving America's Heritage

Advisory Guidelines Implementing Executive Order 13287, “Preserve America”

Section 3: Reporting Progress on the Identification, Protection, and Use of Federal Historic Properties

May 2014

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These updated Advisory Guidelines are based on the 2007 Advisory Guidelines that were developed with support of the Section 3 Advisory Guidelines Working Group comprised of the Departments of Defense, Health and Human Services, and Veterans Affairs; Bureau of Land Management; Forest Service; General Services Administration; National Aeronautics and Space Administration; National Park Service; and United States Postal Service.

LIST OF ACRONYMS

ACHP	Advisory Council on Historic Preservation
AMP	Asset Management Plan
ATDA	Accountability of Tax Dollars Act of 2002
CFO	Chief Financial Officer
CFR	Code of Federal Regulation
CEQ	Council for Environmental Quality
EO	Executive Order
FASAB	Federal Accounting Standards Advisory Board
FRPC	Federal Real Property Council
GSA	General Services Administration
GMRA	Government Management Reform Act of 1994
NHPA	National Historic Preservation Act of 1966 as amended
NPS	National Park Service
OMB	Office of Management and Budget
RSI	Required Supplementary Information
SFFAS	Statement of Federal Financial Accounting Standards
U.S.C.	United States Code

INTRODUCTION

The Advisory Council on Historic Preservation (ACHP) is issuing an update to advisory guidelines intended to assist federal agencies with real property management responsibilities in preparing the progress report outlined in Executive Order 13287, “Preserve America,” (EO 13287) Section 3. Federal agencies are encouraged to consider these advisory guidelines when preparing Section 3 reports to ensure that adequate, complete, and useful information is submitted to the ACHP. The use of these guidelines is not mandatory, and a federal agency with real property management responsibilities can, at its discretion, determine how it will report on the progress of its efforts to identify, protect, and use its historic properties. The ACHP will use this information to prepare its report for the president on the state of the federal government’s historic properties, and their contribution to local economic development, as required by EO 13287, Section 3. This information will also allow the ACHP to continue its dialogue with federal agencies on how it can assist them in meeting stewardship responsibilities for historic properties while maintaining agency missions.

Background

On March 3, 2003, President George W. Bush signed EO 13287 to reaffirm the administration’s commitment to the federal stewardship of historic properties, and to promote intergovernmental cooperation and partnerships for the preservation and use of historic properties. EO 13287 formalized Preserve America to support the efforts of local communities to preserve and maintain our nation’s cultural and natural heritage.

The EO includes a number of actions that are intended to encourage better accountability for the use of federally owned historic properties. Section 3, *Improving Federal Agency Planning and Accountability*, states “accurate information on the state of federally-owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships” (Section 3(a)). Under Section 3(c), each federal agency with real property management responsibilities is required to submit reports on its “progress in identifying, protecting, and using historic properties in its ownership” on September 30, 2005, and every third year thereafter. The Section 3(c) further requires that the ACHP “incorporate this data into a report on the state of the federal government’s historic properties and their contribution to local economic development and submit this report to the president by February 15, 2006, and every third year thereafter.”

Since the passage of the National Historic Preservation Act of 1966 (NHPA), agencies have been required to develop historic preservation programs and policies to ensure sound management and protection of historic properties under federal ownership and control. Not only did NHPA require federal agencies to establish a leadership role in historic preservation, it also promoted the sound stewardship of federally owned and controlled historic properties so that they would become a part of the community, based on cultural, educational, aesthetic, inspirational, economic, and energy value. Further,

NHPA encouraged public and private partnerships to foster broad-based support for the reuse and preservation of historic properties, whether federally or privately owned.

EO 13287 supports this national policy by encouraging the efficient management and continued viable use of historic properties, many of which remain vacant, underused, functionally obsolete, and occasionally incompatible with agencies' changing missions in the 21st century. The development of Section 3 progress reports provides agencies the opportunity to review their historic preservation programs, as mandated by NHPA, and report on their progress to the ACHP. The information collected from these reports will assist the ACHP in its strategic goal to "assess and report on the effectiveness of the federal preservation program" (ACHP Strategic Plan, January 2011).

Previous Reporting

In 2004, agencies with federal real property management responsibilities conducted an internal review of their regulations, policies, and operating procedures designed to satisfy the regulations of Sections 110 (16 U.S.C. § 470h-2) and 111 (16 U.S.C. § 470h-3) of the NHPA and presented this review to the ACHP. The 2004 reports served as a baseline, presenting the basic framework of each agency's preservation program in response to Section 3(a) and (b) of EO 13287. In 2005, agencies submitted the first round of progress reports under Section 3(c) to the ACHP and the Secretary of the Interior, outlining the status of their preservation programs, and documenting any changes in the year since the baseline reports.

Based upon the 2004 and 2005 reports, the ACHP developed and submitted *The Preserve America Executive Order Report to the President* in February 2006. Subsequently, agencies submitted progress reports in 2008 and 2011, which were used by the ACHP to develop the second and third triennial report to the President entitled "In a Spirit of Stewardship: A Report on Federal Historic Property Management" (February 2009, February 2012).

Who Must Report

All federal agencies with real property management responsibilities are required to submit Section 3 reports on progress in the identification, protection, and use of historic properties in federal ownership. Agencies are not required to report on properties (1) acquired as result of foreclosure or similar action and that are held for a period of less than five years; (2) that they lease but do not own or manage; or (3) located outside of the United States.

Structure and Submittal Guidelines

Federal agencies are not required to structure their Section 3 progress report in response to these questions. These advisory guidelines are for a federal agency's consideration only and allow agencies to use these advisory guidelines in conjunction with established agency reporting formats. Should an agency choose to format their report in response to

these questions, that agency may choose to answer questions singularly or through a combined response to multiple questions as they see fit.

Section 3 reports should be submitted by an agency's Senior Policy Official to the chairman of the ACHP and the Secretary of the Interior. Please submit two hard copies, including an electronic copy as a PDF file or a Microsoft Word or WordPerfect document with graphics meeting a 500 DPI minimum, no later than September 30, 2014 to the following address:

Chairman Milford Wayne Donaldson
Advisory Council on Historic Preservation
ATTN: Section 3 Progress Report
401 F Street NW, Suite 308
Washington, DC 20001-2637

The ACHP will make Section 3 reports available on its Web site. Departments and agencies with security concerns may submit an executive summary to post on the ACHP Web site in lieu of the entire progress report. In this situation a full report must still be submitted to the ACHP for review.

Agencies are encouraged to include with their report data, case studies, best practices, and Web sites that explain their responses. When submitting these examples please clarify the role of state and local governments, tribes, civic or community organizations, and the private sector as appropriate. If various funding sources were used to establish a partnership, agencies are encouraged to identify the sources of public and private funding.

Additional Information Contact

This guidance is intended to provide the framework for future Section 3 reports, until and unless the ACHP determines that it should be updated. For more information about this guidance, or about Section 3 of EO 13287, please address your inquiries to:

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ACHP GOALS OF SECTION 3 REPORTING/GUIDANCE

Section 3(c) of EO 13287 requires the ACHP to prepare a report to the president by February 2006, and every third year thereafter, on the state of the federal government's historic properties and their contribution to local economic development. As such, the ACHP has developed several goals for the content of its report to the president. Through their submission of Section 3 progress reports, federal agencies can play a key role in assisting the ACHP in fulfilling these goals.

- **Federal agencies can use Section 3 progress reports to assess the effectiveness of and improve their preservation programs in conjunction with existing reporting requirements, both internally and externally.**
- **The process of gathering information, analyzing data, and developing the Section 3 progress reports can assist the ACHP and federal agencies in evaluating agency efforts to incorporate the identification, protection, and use of historic properties into overall agency strategic planning and asset management.**
- **Consistent Section 3 progress reporting by federal agencies will allow the ACHP to analyze and report the status of federal preservation programs to the president.**

HOW TO USE THESE ADVISORY GUIDELINES

EO 13287 is not the only federal requirement for agencies to report on the status of their historic preservation programs. It is, however, one of the only federal reporting requirements that requires an agency to assess historic properties as a whole and not simply by individual property type. Executive Order 13327, “Federal Real Property Asset Management” (EO 13327) directs the establishment of a Federal Real Property Council (FRPC) and a single, comprehensive and descriptive database of all real property under the custody and control of all executive branch agencies (now called the Federal Real Property Profile), the FRPC has issued guidance which requires that historic status of each federal real property asset (owned and leased by the federal government) be reported annually; identifying the number of field studies undertaken to identify and evaluate archaeological sites within each year (“Report to Congress on the Federal Archaeology Program”); and addressing the role that heritage assets play in an agency’s mission (Statement of Federal Financial Accounting Standards 29: Heritage Assets and Stewardship Lands (SFFAS 29)). EO 13287 allows federal agencies to use information provided in other reports to demonstrate its progress in identifying, protecting, and using historic properties.

- **Executive Order 13327, Federal Real Property Asset Management**

Data and information provided by federal agencies under EO 13327 (as amended by Executive Order 13423, “Strengthen Federal Environmental, Energy, and Transportation Management” (EO 13423)) is useful in demonstrating an agency’s progress in identifying historic properties (specifically buildings and structures) within its ownership (Federal Real Property Profile) and in meeting its Section 110 responsibilities under NHPA, as well as how historic properties are incorporated into the agency’s asset management plan submitted to the Office of Management and Budget (EO 13327, Section 3(b)).

- **Executive Order 13514, Federal Leadership in Environmental Energy, and Economic Performance**

EO 13514 establishes an overall federal policy on energy efficiency and sustainability and sets goals for federal agencies to implement that policy. The EO sets forth how agencies should design, construct, and maintain buildings in a sustainable fashion and requires that agencies ensure that rehabilitation of federally owned historic buildings utilizes best practices and technologies in retrofitting to promote long-term viability of the buildings. Annual agency Strategic Sustainability Performance Plans developed under the EO should include data on how agencies are meeting this standard for sustainable rehabilitation.

- **Executive Order 13563, Improving Regulation and Regulatory Review**

EO 13563 establishes a policy that the Nation's regulatory system protects public health, welfare, safety, and the environment while promoting economic growth, innovation, competitiveness, and job creation allowing for public participation and an open exchange of ideas. Reaffirming and supplementing EO 12866, "Regulatory Planning and Review," agencies are directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.

- **Executive Order 13653, Preparing the United States for the Impacts of Climate Change**

Building upon the foundation of EO 13514, EO 13653 establishes a policy for the federal government to capitalize upon recent progress and pursues new strategies to improve the Nation's preparedness and resilience. This EO builds upon the annual agency Strategic Sustainability Performance Plans and the Agency Adaptation Plans which requires federal agencies to report on the consideration of costs and benefits of improvements including real property investments and capital equipment purchases such as updating agency policies for leasing, building upgrades, relocation of existing facilities, and construction of new facilities.

- **Report to Congress on the Federal Archaeology Program**

The data submitted to the Department of the Interior, National Park Service, Departmental Consulting Archaeologist for the Report to Congress on the Federal Archaeology Program focuses on archaeological sites including, but not limited to, the number of archaeological sites an agency has identified and evaluated for the National Register of Historic Places, the partnerships an agency has utilized, and the number of archaeological sites that have been protected. This is the only federal reporting requirement instructing agencies to evaluate the inventory of archaeological sites on their federally controlled lands.

- **Statement of Federal Financial Accounting Standards 29: Heritage Assets and Stewardship Lands**

The data submitted to the Office of Management and Budget (OMB) for SFFAS 29 specifically identifies how heritage assets relate to agency missions when reporting basic information of heritage assets. Though historic properties are not always identified as heritage assets, the information developed by an agency could offer insight into its historic preservation program as a whole.

- **Government Performance and Results Act of 1993**

An agency's five-year strategic plan, as required by 5 U.S.C. § 306, and the annual performance plan, as required by 31 U.S.C. § 1115, as amended by the Government Performance and Results Act of 1993 (Section 3) is beneficial in

understanding how historic property identification, protection, and use is integrated into agency planning and the management of historic properties.

- **50th Anniversary of the National Historic Preservation Act**

In 2016, the NHPA turns 50. Section 1 of EO 13287 reaffirms the major principals of the NHPA policy by recognizing that federal agencies should manage federal historic properties in a manner that supports “the department and agency missions while contributing to the vitality of the economic well being of the nation’s communities and fostering broader appreciation for the development of the United States and its underlying values.” This anniversary provides an opportunity for agencies to specifically showcase examples of not only recent but longer-term program progress and stewardship achievement in the identification, protection, and use of historic properties, improvements to federal planning, and awareness of the benefits of historic preservation.

It is clear to the ACHP that federal agencies use different terminology for referring to various properties. EO 13287, Section 7 defines “historic property” as any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the National Register of Historic Places in accordance with Section 301(5) of the NHPA (16 U.S.C. 470w(5)). However, agencies with federal real property management responsibilities must also comply with other requirements that relate to historic properties and which require an agency to report on other resource categories. For example, EO 13327, which applies to real property holdings, requires federal agencies to assign one of six “historical status” codes to such properties. These real property “historical status” codes directly correlate to the “historic properties” definition of EO 13287. The Federal Accounting Standards Advisory Board’s (FASAB) SFFAS 29 uses the term “Heritage Assets.” Under SFFAS 29, each agency must establish a concise description of each major category of heritage asset, based on its mission (paragraph 25.c). Therefore, “heritage assets” under SFFAS 29 may or may not correlate to “historic properties” as defined in EO 13287.

In order to ensure consistency in terminology between these advisory guidelines and other federal reporting requirements, specific terminology derived from these other reporting requirements has been defined and incorporated into these guidelines. For definitions of the terminology used in these advisory guidelines please consult the Definitions section. If a federal agency finds any internal variations to those definitions used in these advisory guidelines, it is recommended that in preparing a Section 3 progress report the federal agency indicates those variations for the ACHP to understand the context of that term used by the federal agency.

Reporting Requirement	Purpose	Submitted to	Who should report	Due Date
EO 13327 : Federal Real Property Profile	This report is intended to promote efficient and economical use of real property resources, increase agency accountability and management attention to real property reform, and establish clear real property goals and objectives.	GSA	Agencies listed in 901(b)(1) and (b)(2) title 31; Department of Homeland Security	Annually, on December 15
EO 13327 : Asset Management Plan	Each agency will draft an Asset Management Plan (AMP) that addresses, at a minimum, the Federal Real Property Council Guiding Principles and the AMP required components.	OMB	Agencies listed in 901(b)(1) and (b)(2) title 31; Department of Homeland Security	Annually, dependent upon the quarter OMB approved previous AMP
SFFAS 29 (Heritage Assets)	Disclosure requirements applicable to agency financial statements and the U.S. Government-wide Financial Statement for heritage assets and stewardship land information reclassified as basic information with the exception of condition reporting, which is considered required supplementary information (RSI).	Congress/OMB	All federal agencies required to prepare audited financial statements under the CFO Act , GMRA , and the ATDA	Annually, 45 days after the end of the fiscal year
The Report to Congress on the Federal Archaeology Program	To report on federal archaeological activities, in order to offer assistance with professional methods for archaeological preservation and for the administration of historic preservation programs.	NPS	All federal agencies and departments that undertake, contract for, issue permits and licenses, or that require archaeological investigations of other parties.	Annually, on May 1
EO 13287 : Section 3(c) Progress Reporting	Prepare a report on an agency's progress in identifying, protecting, and using historic properties in its ownership and make the report available to the ACHP and the Secretary of the Interior	ACHP	All federal agencies with real property management responsibilities	Triennial, beginning September 2005
EO 13514 : Strategic Sustainability Performance Plan and Annual Updates	Prepare a plan to prioritize agency actions based on lifecycle return on investment.	OMB/CEQ	All federal agencies defined in section 105 of title 5, United States Code, excluding the Government Accountability Office	June 2010 and annually thereafter

RECOMMENDED QUESTIONS TO ANSWER IN SECTION 3 PROGRESS REPORTS

Identification

“Each Federal agency shall establish (unless exempted pursuant to Section 214 of this Act), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure...that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the National Register.”

--NHPA, Section 110 (16 U.S.C. § 470h-2(a)(2)(A))

Agencies that own or control historic properties are responsible for the identification, evaluation, nomination, protection, and use of historic properties under their ownership consistent with Section 110 (16 U.S.C. § 470h-2) of NHPA and Section 3(c) of EO 13287. Agencies may use their preservation programs to improve their inventory of historic properties. An agency’s preservation program may meet these responsibilities in coordination with its real property-based record keeping program and through other systems developed to comply with government-wide auditing or accounting requirements.

Collections, a historic property type significant when associated with a district, site, building, structure, and/or object, are not consistently reported on by federal agencies. The ACHP encourages federal agencies that are actively identifying collections within their inventory to provide evidence of their progress in identifying, protecting, and using these collections through this report. Federal agencies are also encouraged to include information concerning heritage assets, as defined by their agency per SFFAS 29 to the extent they are compatible with Section 3 progress reporting.

1. Building upon previous Section 3 reports, please explain how many historic properties have been identified and evaluated by your agency in the past three years? Has your inventory improved? Please explain.

In addressing this question, agencies are encouraged to evaluate their progress in identifying and evaluating historic properties. If your agency does not report under the requirements referenced in the sub questions, but wishes to provide similar information, please offer an explanation as to how the information reported was gathered and validated by your agency.

In preparing your response, consider the following subset of questions:

- What is the total number of historic properties within your inventory? What is the total number of those historic properties that have been identified or evaluated as a “National Historic Landmark,” “National Register Listed,” or “National Register Eligible” for each of the past three years? How have these numbers increased in each of the last three years?
- Within your inventory, what is the total number of cultural resources that have not been evaluated for eligibility to the National Register of Historic Places? How have these numbers changed in each of the last three years?
- What is the total number of your agency’s property, plant, and equipment that have been identified as heritage assets for each of the past three years? How have these numbers changed in each of the last three years in your agency’s RSI?

2. Describe your agency policies that promote and/or influence the identification and evaluation of historic properties.

Agencies use a variety of policies for the identification and evaluation of historic properties. In consideration of this question, federal agencies are encouraged to discuss efforts undertaken to develop their own policies, procedures, and protocols for the identification and evaluation of historic properties. Agencies are also encouraged to demonstrate how these policies have been incorporated into their strategic plans.

In preparing your response, consider the following subset of questions:

- How does the identification of historic properties and heritage assets relate to your agency’s mission?
- What is your agency’s policy for the stewardship of historic properties and heritage assets?
- What are the definitions of the major categories your agency uses to classify heritage assets?
- How does your agency define real property?
- Describe your agency’s policy on the evaluation and nomination of historic properties to the National Register of Historic Places as required by Section 110 of the National Historic Preservation Act. How has your agency maintained a Section 110 program in light of limited agency budgets?

3. How has your agency established goals for the identification and evaluation of historic properties including whether they have been met?

In preparing your response, consider the following subset of questions:

- Has your agency established performance measures (such as benchmarks) for measuring progress in the identification of historic properties?
- If your agency has established benchmarks, how have they benefited your agency?
- If your agency has not established benchmarks, how does your agency measure progress?

4. Describe any internal reporting requirements your agency may have for the identification and evaluation of historic properties, including collections (museum and archaeological).

Many federal agencies have developed their own reporting practices for the identification of historic properties. For example, there are currently no federal reporting requirements for data collection for historic districts and collections; however, some agencies may have an internal policy to track this information as part of their personal and real property holdings.

5. Explain how your agency has employed the use of partnerships to assist in the identification and evaluation of historic properties.

Agencies frequently work with, but are not limited to, State Historic Preservation Offices, Tribal Historic Preservation Offices, and certified local governments for the identification, evaluation, and management of information about historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities to public-private initiatives and investment and report on their progress.

In preparing your response, consider the following subset of questions:

- Are there any legal restrictions that would preclude your agency from exploring partnerships for local economic development for the identification and evaluation of historic properties?
- How have partnerships benefited your agency?

6. Provide specific examples of major challenges, successes, and or opportunities your agency has experienced in identifying historic properties over the past three years.

Agencies are encouraged to identify any challenges or impediments they have encountered in their efforts to improve inventory of historic properties. Case studies that highlight, exemplify, or demonstrate challenges, successes, and/or opportunities your agency has experienced should include images if available. Agencies should feel free to include any examples in recognition of the 50th anniversary of the NHPA.

Protection

“Each Federal agency shall establish (unless exempted pursuant to Section 214 of this Act), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure...that such properties under the jurisdiction or control of the agency as are listed in or may be eligible for the National Register are managed and maintained in a way that considers the preservation of their historic, archaeological, architectural, and cultural values in compliance with Section 106 of this Act and gives special consideration to the preservation of such values in the case of properties designated as having National significance.”

--NHPA, Section 110 (16 U.S.C. § 470h-2(a)(2)(B))

Agencies are encouraged to utilize a broad array of strategies for the protection of historic properties. Often the most effective form of protection is to ensure the active use of a historic property. Local governments and organizations can be effective partners for developing plans to protect and use historic properties that are considered surplus to an agency's mission.

7. Explain how your agency has protected historic properties.

The protection of federal historic properties is the cornerstone of the advancement of EO 13287. When a federal agency protects a historic property it provides leadership in stewardship and the contemporary use of the property as applicable.

In preparing your response, consider the following subset of questions:

- How has your agency protected, stabilized, rehabilitated, or monitored historic properties?
- What other forms of protection has your agency provided for historic properties?

8. Describe the programs and procedures your agency has established to ensure the protection of historic properties, including compliance with Sections 106, 110, and 111 of NHPA.

Section 106 of the NHPA requires federal agencies to take into account the effects of their activities on historic properties and provide the ACHP an opportunity to comment. The ACHP's regulations, "Protection of Historic Properties" (36 CFR Part 800), lays out

the process agencies are required to follow to meet their legal obligations under Section 106. Section 110 of NHPA requires that federal agencies establish a program to ensure, among other things, the identification and protection of historic properties under their jurisdiction or control. Section 111 further requires that federal agencies establish and implement alternatives for historic properties, where appropriate, including adaptive use and leases that are not needed for current or projected agency purposes.

In preparing your response, consider the following subset of questions:

- How does your agency oversee compliance with Sections 106, 110, and 111 of NHPA?
- Has your agency dedicated adequate resources to oversee these provisions?
- Does your agency use program alternatives such as Programmatic Agreements, Program Comments, and other tools to tailor the Section 106 process to your agencies programs and activities? If so, how effective are these alternatives in meeting their intended goals? If not, are there specific activities or programs that you believe would benefit from treatment under a program alternative?
- Does staff in your agency have access to training on Section 106, 110, and 111? If not, what are the impediments to accessing or participating in training?
- Is your agency considering procedures and policy related to compliance with Sections 106, 110 and 111 of NHPA when evaluating regulatory review under EO 13563?

9. Describe your agency policies that promote and/or influence the protection of historic properties.

There are several federal agencies that are actively protecting their inventory of historic real property. If you are such an agency, please consider providing additional information on how your agency is accomplishing this task and any successful programs that might benefit other federal agencies. This should include security and/or restricted access limitations your agency has overcome.

In preparing your response, consider the following subset of questions:

- How is this policy incorporated into your agency's strategic plan?
- Does your agency have an asset management plan? If not, why? If yes, what planning and management requirements do historic real properties have in your agency's asset management plan?
- Has your agency entered into any management contracts with other parties to protect your historic properties, including monitoring, repair, stabilization, and rehabilitation? If yes, have these been effective? What are the advantages and disadvantages of these contracts?

- What types of performance criteria must be met in the stewardship and capital planning for the use of historic properties?
- Does your agency utilize a deferred maintenance program for protection of historic properties?

10. Explain how your agency has employed the use of partnerships to assist in the protection of historic properties.

Agencies frequently work with State Historic Preservation Offices, Tribal Historic Preservation Offices, certified local governments, and private entities and organizations for the protection and management of information about historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities for public-private initiatives and investment and report on their progress.

In preparing your response, consider the following subset of questions:

- Are there any legal restrictions that would preclude your agency from exploring partnerships for local economic development for the protection of historic properties?
- How have partnerships benefited your agency?
- How successful has your agency been in developing partnership agreements (e.g. cooperative, cost-share, interagency, research) for the protection of historic properties?

11. Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in protecting historic properties over the past three years.

Agencies are encouraged to identify any challenges or impediments they have encountered in their efforts to protect historic properties. Case studies that highlight, exemplify, or demonstrate challenges, successes, and/or opportunities your agency has experienced should include images if available. Agencies should feel free to include any examples in recognition of the 50th anniversary of the NHPA.

Use

“Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency in accordance with Executive Order No. 13006, issued May 21, 1996 (61 Fed. Reg. 26071).”
--NHPA Section 110 (16 U.S.C. § 470h-2(a)(1))

As stewards of historic properties, federal agencies are expected to manage these properties in a manner that advances the agency’s asset management goals and maximizes the protection of the property. EO 13287 Section 4(a) instructs federal agencies to consider historic properties as federal assets that support an agency’s mission and contribute to the local economy. The balance of public benefit and access to historic properties is often complicated by an agency’s security measures, adding another layer of complexity in the everyday management and use of historic properties. However, federal agencies are consistently developing management plans that allow historic properties to be important assets as well as creative ways to make secure historic properties accessible to the public.

12. Explain how your agency has used historic properties.

Section 4(a) of EO 13287 states federal agencies will ensure the long-term preservation and use of federal historic properties as assets and, if possible, to contribute to local economies and communities through proper management. And when consistent with agency missions, federal agencies are to use historic properties to foster heritage tourism partnerships with state, tribal, and local tourism programs (Section 5(b) of EO 13287).

In preparing your response, consider the following subset of questions:

- What is the total number of your agency’s historic properties with an assigned mission and/or purpose?
- In what ways has your agency used technologies and/or media, including the Internet, to promote heritage tourism as a use of historic properties?
- If there are no legal restrictions, how has your agency developed or improved procedures for supporting local economic development and heritage tourism for the use of historic properties?
- Explain how your agency has to the maximum extent feasible, used historic properties within its real property inventory in accordance with Executive Order No. 13006.

- Explain how your agency has considered the reuse of historic properties when meeting OMB Memorandum M-12-12 Section 3: “Freeze the Footprint” policy?
- Explain how your agency has identified program improvements, realized in compliance with EO 13563, in relation to using historic properties.

13. Explain the overall condition of the historic properties within your agency’s control.

The condition of an asset can have a direct link to its status as viable to an agency’s mission. Proper understanding of a historic property’s condition is more complex due to the additional management and treatment requirements. Federal agencies should ensure that historic properties have a contemporary use to meet mission needs.

In preparing your response, consider the following subset of questions:

- What efforts has your agency undertaken to improve the condition of historic properties?
- Discuss how the condition of your historic properties affects your agency’s ability to use them in support of its mission.

14. Describe your agency policies that promote and/or influence the use of its historic properties.

There are several federal agencies that are actively using their inventory of historic real property for supporting local economies and heritage tourism purposes. If you are such an agency, please consider providing additional information on how your agency is accomplishing this task and any successful programs that might benefit other federal agencies. This should include security and/or restricted access limitations your agency has overcome to support local economies and heritage tourism programs.

In preparing your response, consider the following subset of questions:

- Have you incorporated these policies into your agency’s strategic plan?
- Does your agency have an asset management plan? If not, why? If yes, explain how this plan accounts for the management of historic properties.
- What policies does your agency have to involve stakeholders in its resource management and planning efforts to identify opportunities for the use of its assets in economic development and heritage tourism?

- Does your agency have protocols for its managers to identify historic properties that are available for transfer, lease, or sale? What criteria are considered when recommending such actions?
- When negotiating leases, how does your agency budget for the use of lease proceeds in the rehabilitation and maintenance of historic properties?
- Does your agency limit public access to historic properties? If so, what considerations affect decisions to limit access?
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15. Explain how your agency has used Section 111 (16 U.S.C. § 470h-3) of NHPA in the protection of historic properties.

As stated in NHPA, Section 111 (16 U.S.C. § 470h-3) authorities can be used in one of three ways: lease or exchange federal historic properties when the assets are not needed for current or future agency purposes; use the proceeds from any lease of historic properties to be used in the operations and maintenance of other agency historic properties; or contract the management of agency historic properties to an outside entity. All three authorities ensure long-term protection of federal historic properties.

In preparing your response, consider the following subset of questions:

- Does your agency utilize Section 111 (16 U.S.C. § 470h-3) authorities in the management of historic properties? If yes, provide examples how your agency has used this authorization.
- If your agency has not used Section 111 (16 U.S.C. § 470h-3) authorities explain why and any impediments for using this authority.
- Does your agency adhere to any other federal regulations or authorities in lieu of Section 111 (16 U.S.C. § 470h-3) of NHPA when transferring or disposing of its historic properties (e.g., 36 CFR § 18, Public Building Cooperative Use Act, or regulations developed for use by specific agencies)?

16. Explain how your agency has employed the use of partnerships to assist in the use of historic properties.

Agencies frequently work with State Historic Preservation Offices, Tribal Historic Preservation Offices, certified local governments, and private entities and organizations, for the use and management of information about historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities to public-private initiatives and investment and report on their progress.

In preparing your response, consider the following subset of questions:

- Are there any legal restrictions that would preclude your agency from exploring partnerships for local economic development for the use of historic properties?
- If your agency uses partnerships, please describe the nature of these partnerships.
- How have partnerships benefited your agency?
- Does your agency have any volunteer programs? If so, how are volunteers used in the management or interpretation of historic properties?

17. Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in using historic properties over the past three years.

Agencies are encouraged to identify any challenges or impediments they have encountered in their efforts to use historic properties. Case studies that highlight, exemplify, or demonstrate challenges, successes, and/or opportunities your agency has experienced should include images if available. Agencies should feel free to include any examples in recognition of the 50th anniversary of the NHPA.

18. Describe your agency's sustainability goals and climate change adaptation planning and how stewardship of historic properties is being addressed.

In preparing your response, consider the following subset of questions:

- Has your agency prepared a Strategic Sustainability Performance Plan and Agency Adaptation Plan in accordance with EO 13514, and if so, do they include discussion of historic properties either in general terms or as specific examples?
- Is your agency considering impacts to historic properties when addressing climate change preparedness and resilience in accordance with EO 13653?
- How does your agency coordinate historic preservation and sustainability goals in project planning?
- Has your agency rehabilitated or adaptively reused historic properties to achieve sustainability goals?
- How has your agency promoted the rehabilitation of historic properties to achieve energy efficiency goals as an alternative to new construction?
- How is your agency planning for the continuous improvement and better building performance management, energy efficiency enhancements, and energy waste reduction in an open and transparent way, as outlined in the *Presidential Memorandum: Federal Leadership on Energy Management* (December 2013)?

- Has your agency faced resistance to reuse of historic properties due to the perceived incompatibility of preservation with sustainability goals and climate resilient investment?

DEFINITIONS

Agency means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include –

- (A) the Congress;
- (B) the courts of the United States;
- (C) the governments of the territories or possessions of the United States;
- (D) the government of the District of Columbia;

or except as to the requirements of 5 U.S.C. § 552–

- (E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;
- (F) courts martial and military commissions;
- (G) military authority exercised in the field in time of war or in occupied territory; or
- (H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41; subchapter II of chapter 471 of title 49; or sections 1884, 1891-1894, 1895-1902, and former section 1641(b)(2), of title 50, appendix. (NHPA and 5 U.S.C. § 551)

Cultural resources are generally defined by federal agencies to mean the same thing as historic properties, although there is no consistent legal definition, and individual agencies and organizations use different emphases. Under 10 U.S.C. § 2684, which deals with Department of Defense’s responsibilities to manage “cultural resources,” such resources are defined to include properties included in or eligible for inclusion in the National Register of Historic Places, cultural items defined by the Native American Graves Protection and Repatriation Act, archaeological resources as defined by the Archaeological Resources Protection Act, and archaeological artifact collections and associated records. The National Park Service lists archaeological resources, cultural landscapes, structures, museum objects, and ethnographic resources in its management guidance and definition of “cultural resources.” Use of the term “cultural resources” by other agencies may be confusing because arts agencies and cultural endowments may use it to refer to art, performance, music, and other forms of cultural expression. (*Caring for the Past, Managing for the Future*, 2001, ACHP)

Federal real property is any real property owned, leased, or otherwise managed by the federal government, both within and outside the United States, and improvements on federal lands. (EO 13327)

Federally owned, and **in federal ownership**, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than five years. (EO 13287)

Heritage asset are a federal agency’s property, plant, and equipment that are unique for one or more of the following reasons:

- (1) historical or natural significance;
- (2) cultural, educational, or artistic (e.g., aesthetic) importance; or
- (3) significant architectural characteristics.

Heritage assets consist of

- (1) collection type heritage assets, such as objects gathered and maintained for exhibition, for example museum collections, art collections, and library collections; and
- (2) non-collection-type heritage assets, such as parks, memorials, monuments, and buildings. (SFFAS 29)

Heritage tourism is the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. (EO 13287)

Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource. (NHPA)

State means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau. (NHPA)

Preservation or ***historic preservation*** includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities, or any combination of the foregoing activities. (NHPA)